

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

In the Matter of)
)
Amendment of Section 73.202(B))
Table of Allotments)
FM Broadcast Stations)
Bonanza and Merrill, Oregon)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

TO: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now, B & B Broadcasting, Inc., through its consultant, to respectfully request that the Commission institute rule making proceedings to change the FM Table of Allotments at Bonanza, and Merrill, Oregon. B & B Broadcasting, Inc, hereafter "B&B", are permittee holders for a new construction permit for station KAQX at Bonanza, Oregon. "B&B" therefore has standing to bring this petition request to the Commission. "B&B" respectfully requests that the Commission begin rule making proceedings to change the FM Table of Allotments as follows:

<u>CITY</u>	<u>EXISTING CHANNEL</u>	<u>PROPOSED CHANNEL</u>
Bonanza, Oregon	275 A	288 C-1
Merrill, Oregon	289 A	275 A

In support whereof, the following is shown:

1. "B&B" are holders of a new construction permit for radio station KAQX, at Bonanza, Oregon assigned to FM channel 275 A. Through this petition "B&B" requests that the Commission upgrade the outstanding permit of KAQX for operation on FM channel 288 as a class C-1 station.

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2. "B&B" requests that the Commission change the allocations as proposed in this instant request to allow station KAQX use of FM channel 288 C-1 and re-allot FM channel 275 A in place of FM channel 289 A at Merrill, Oregon. Petitioner understands that under present Commission Rules, Practice and Procedure that this Upgrade request is protected and another channel of equal class need not be required. The Petitioner also understands that the Commission would at the conclusion of this upgrade request, amend the outstanding granted permit of KAQX for operation on the requested higher class channel, if approved by the Commission.

3. As required, the petitioners consultant has attached a complete technical exhibit to prove that the present proposal is in full compliance with all allocations, present and proposed.

In conclusion, B & B Broadcasting, Inc. hereby requests that the Commission amend the FM Table of Allotments to allow radio station KAQX the use of FM channel 288 C-1 at Bonanza, Oregon and that FM channel 275 A be allotted in place of channel 289 A at Merrill, Oregon. If allotted, "B&B" hereby states that it will request modification of the KAQX permit for operation on channel 288 C-1 at Bonanza, Oregon.

B & B Broadcasting, Inc. confirms under oath, by penalty of perjury, that all statements made in this petition for rule making request are true and correct when made.

Dated this 30 day of April, 1997

Respectfully submitted,

George Broadbin
George Broadbin
George Broadbin
B & B Broadcasting, Inc.
P. O. Box 339
Klamath Falls, Oregon 97602

**McKENNA
COMMUNICATIONS, INC.****PUBLIC SAFETY RADIO SYSTEMS
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**TECHNICAL EXHIBIT
IN SUPPORT OF
PETITION FOR RULEMAKING**

This Technical Report is attached to a Petition for Rulemaking on behalf of Radio Station KAQX (FM) Bonanza, Oregon, owned by B & B Broadcasting, Inc. As outlined in the Petition, KAQX seeks to upgrade its status from class 'A' to 'C-1'. This is not possible on the present channel that is assigned to KAQX. The Commission has allotted FM channel 289 'A' to Merrill, Oregon. Two applicants have applied for construction permits within the Commission announced filing "window". One other party has filed outside the approved filing "window" as a "first come, first serve" applicant, AND HAS SPECIFICALLY REQUESTED THIS STATUS. This party has requested the use of a transmitter location atop of a local existing FM broadcast and communications site at 'Stuckel Mountain'. This site has also been applied for by one of the two applicants that have filed "WITHIN THE FILING WINDOW". Therefore there are only TWO different sites that have been applied for use of FM channel 289 A at Merrill, Oregon. The allocation of 288 C-1 for use by KAQX within a 50 Kilometer radius of Bonanza, Oregon is entirely precluded by the allocation of 289 A at Merrill, Oregon. However, the substitution of channel 275 A, which is allotted to Bonanza, Oregon in place of 289 A, at Merrill, Oregon would allow KAQX (FM) to upgrade to 288 C-1.

B & B Broadcasting, Inc., permittee of radio station KAQX, request that the Commission allot 288 C-1 in place of 275 A at Bonanza for use by KAQX (FM) and that the Commission allot FM channel 275 A in place of FM channel 289 A at Merrill, Oregon.

Attached to this exhibit is a FM Channel Study using the latest Commission data and that of Dataworld, Inc. The FM channel study provide proof that the proposed "Re-Allocations" can be made and meet all other Commission requirements. The channel study also provides proof that the requested use by radio station KAQX (FM) at Buck Butte on 288 C-1 is possible only by moving the allocation of 289 A to 275 A. Thus making this rulemaking request a "Protected" Upgrade in that the petitioner need not provide another channel of equal class for other interested party's.

Respectfully submitted,



Michael T. McKenna
President
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FM CHANNEL SUBSTITUTION STUDY
FM Channel 288 C1 for 275 A

BUCK BUTTE FM SITE, OREGON
42° 05' 32" NL X 121° 26' 35" WL

GRANTED C.P.: BPH-950203MF B & B Broadcasting, Inc. KAOX

CHAN CLASS	CALL STATUS	CITY STATE	LOCATION	ACTUAL DISTANCE	REQUIRED DISTANCE	
234 94.7	NONE WITHIN 100 KM					CLEAR
235 94.9	NONE WITHIN 100 KM					CLEAR
285 104.9	NONE WITHIN 100 KM					CLEAR
286 105.1 C1	KAKT LIC	Phoenix, OR.	42-25-41 123-00-04	133.9 KM	82.0 KM 51.9 KM	CLEAR
287 105.3 C1	KRDG CP	Shingletown, CA.	40-29-54 121-53-25	180.9 KM	177.0 KM 3.9 KM	CLOSE
288 105.5 A	KEUG CP	Cottage Grove, OR.	43-44-03 123-05-30	226.7 KM	200.0 KM 26.7 KM	CLEAR
288 105.5 C1	KKHB LIC	Eureka, CA.	40-43-52 123-57-06	258.5 KM	245.0 KM 13.5 KM	CLEAR
289 105.7 C1	KQAK LIC	Bend, OR.	44-04-40 121-19-48	220.8 KM	177.0 KM 43.8 KM	CLEAR
289 105.7 A	APP	Merrill, OR. BPH-951102MA	42-05-48 121-37-57	15.7 KM	133.0 KM 117.3 KM	SHORT
289 105.7 A	APP.	Merrill, OR. BPH-951109MH	42-05-48 121-37-57	15.7 KM	133.0 KM 117.3 KM	SHORT
289 105.7 A	APP	Merrill, OR. BPH-951108NE	42-08-43 121-46-15	27.7 KM	133.0 KM 105.3 KM	SHORT
289 105.7 A	MOD APP	Merrill, OR BPH-951108NE	42-05-32 121-26-35	0.0 KM	133.0 KM 133.0 KM	SHORT
290 105.9	NONE WITHIN 100 KM					
291 106.1 C	KARZ LIC	Burney, CA.	40-54-21 121-49-38	135.6 KM	105.0 KM 30.6 KM	CLEAR

FM CHANNEL SUBSTITUTION STUDY
FM Channel 275 A for 289 A

STUCKEL MOUNTAIN, OREGON
42° 05' 48" NL X 121° 37' 57" WL

APPLICATION: BPH-951102MA Klamath Basin Broadcasting

APPLICATION: BPH-951109MH Terry A Cowen (First Come, First Serve)

NB: WINDOW OPEN: 10-05-95 through 11-08-95

CHAN CLASS	CALL STATUS	CITY STATE	LOCATION	ACTUAL DISTANCE	REQUIRED DISTANCE	
221 92.1 D	KEPO LIC	Eagle Point, OR.	42-28-21 NL 122-47-48 WL	104.7 KM	10.0 KM 94.7 KM	CLEAR
222 92.3	NONE WITHIN 100 KM					CLEAR
272 102.3 C1	KWHO LIC	Weed, CA.	41-21-12 122-15-35	97.7 KM	75.0 KM 22.7 KM	CLEAR
273 102.5	NONE WITHIN 100 KM					CLEAR
274 102.7 C	KNCA LIC	Cave Junction, OR.	42-15-30 123-39-38	168.4 KM	165.0 KM 3.4 KM	CLOSE
274 102.7 C2	KEGR LIC	Red Bluff, CA.	40-20-41 121-56-48	196.3 KM	106.0 KM 90.3 KM	CLEAR
275 102.9 A	RAQX CP	Bonanza, OR.	42-05-32 121-26-35	15.7 KM	115.0 KM 99.3 KM	SHORT
275 102.9 C1	KSJJ LIC	Redmond, OR.	44-02-48 121-31-53	216.8 KM	133.0 KM 83.8 KM	CLEAR
276 103.1 C2	DOC. 94-77 ALLOC	Weaverville, CA.	40-49-32 122-55-21	177.6 KM	106.0 KM 71.6 KM	CLEAR
276 103.1 C2	APP.	Weaverville, CA.	40-48-13 122-55-09	179.4 KM	106.0 KM 73.4 KM	CLEAR
277 103.3	NONE WITHIN 100 KM					
278 103.5 C1	KOPE LIC	Medford, OR.	42-17-10 123-00-21	115.4 KM	75.0 KM 40.4 KM	CLEAR